

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F044636 People v. Fairly

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F042966 People v. Gardea

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F044294 People v. Ausbie

The abstract of judgment incorrectly identifies the conviction offense on count 2 as assault with a deadly weapon. The trial court is directed to correct this error. Appellant's conviction for battery causing serious bodily injury is reversed. The trial court is directed to modify the abstract of judgment accordingly, and also to modify the restitution order to provide expressly that appellant is jointly and severally liable for the direct victim restitution. A certified amended abstract of judgment is to be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed. Dawson, J.

We concur: Harris, Acting P.J.; Gomes, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F043573 People v. Tribble

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F044123 Stephens v. County of Tulare et al.

The judgment is reversed and the matter is remanded to the trial court with instructions to grant Stephens's writ petition to reinstate him to employment "effective as of the day following the effective date of the dismissal." (31725.) Appellant is awarded his costs on appeal. Levy, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[CERTIFIED FOR PUBLICATION]

F045129 Johnson et al., v. Montegani

The order on application for determination under section 2130 that proposed petition does not violate no contest clause in irrevocable trust instrument is affirmed. Respondent's to recover their costs on appeal. Levy, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045340 In re Luis A., a Minor

The above-entitled case is submitted for decision.

F045340 In re Luis A., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]